

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

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|---|---|---------------------------|
| JASON LEE VAN DYKE | § | |
| Plaintiff | § | |
| | § | |
| v. | § | Case No. 1:20-mc-00657-LY |
| | § | |
| THOMAS CHRISTOPHER RETZLAFF | § | |
| a/k/a Dean Anderson d/b/a BV Files, Via | § | |
| View Files L.L.C., and ViaView Files | § | |
| Defendant | § | |

MOTION FOR SANCTIONS

Plaintiff, Jason Lee Van Dyke, asks this Court to enter an order sanctioning Defendant, Thomas Christopher Retzlaff. As grounds therefore, Plaintiff states as follows:

A. FACTS

1. The nature of this proceeding is a motion filed by James McGibney to quash a subpoena issued to him by Defendant, by and through Defendant's counsel, Jeffrey Dorrell, for a deposition of James McGibney.
2. Mr. Retzlaff has commandeered this proceeding for the purpose of seeking discovery that is not available to him in the underlying case (see ECF 9 – 10) and for the purpose of making personal attacks on both Plaintiff (see ECF 18) and Mr. McGibney (see ECF 11).
3. This is not the first time that Mr. Retzlaff has been sanctioned for conduct of this nature. This Court may take judicial notice that Mr. Retzlaff has been adjudicated

a vexatious litigant in Texas. *Retzlaff v. GoAmerica Comms. Corp.*, 356 S.W.3d 689, 705 (Tex. App. – El Paso 2011). With respect to Plaintiff specifically, Mr. Retzlaff was recently sanctioned for similar misconduct by the Denton County Court at Law No. 2. A copy of the order of the Honorable Robert Ramirez is attached hereto as Exhibit “1”.

B. ARGUMENT

4. This Court has the inherent power to sanction parties and attorneys for litigation misconduct and the abuse of judicial process.
5. Mr. Retzlaff has abused and weaponized the judicial process in this and other cases for the purpose of engaging in impermissible discovery tactics and by using the Court as conduit through which to file vicious personal attacks against individuals such as Plaintiff and Mr. McGibney. Both Plaintiff and Mr. McGibney have long been victims the stalking behavior described in the motion to quash filed by the United States of America in this cause.
6. This Court should sanction Mr. Retzlaff for his abuse of discovery in this case and for his filing of abusive pleadings. Simply put, Mr. Retzlaff should be punished for attempting to commandeer the judicial processes of this Court to further harass his victims.
7. When considering Mr. Retzlaff’s lengthy history of abusing the courts and judicial processes as a means though which further his harassment and stalking activities, Plaintiff requests that this Court sanction Mr. Retzlaff by (a) a fine in the amount of at least \$10,000.00; and (b) declaring Mr. Retzlaff a vexatious

litigant in this district and requiring him to post security as a condition precedent to any further pro se filings in this district.

C. PRAYER

8. Plaintiff prays that this Court enter and order sanctioning Thomas Christopher Retzlaff for his abuse of the judicial process in this case.

Respectfully submitted,

/s/ Jason Lee Van Dyke
Jason L. Van Dyke
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Decatur, TX 76234
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was electronically filed on the CM/ECF System, which will automatically serve a Notice of Electronic Filing on Kristina S. Baehr. I further certify that I have served a true and correct copy of the foregoing on James McGibney by email to james@bullyville.com in accordance with FRCP 5(b)(2)(F). I further certify that I have served a true and correct copy of the foregoing by mail Thomas Retzlaff at PO Box 46424, Phoenix, AZ 85063 in accordance with FRCP 5(b)(2)(C).

/s/ Jason Lee Van Dyke
JASON LEE VAN DYKE